

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

KIMBERLY BOTTOMS, on behalf of herself  
and all others similarly situated,

Plaintiff,

v.

BLOCK, INC. (F/K/A, SQUARE, INC.)  
(D/B/A, CASH APP),

Defendant.

NO. 2:23-cv-01969-MJP

**STIPULATED MOTION AND  
[PROPOSED] ORDER TO  
CONTINUE CONSIDERATION OF  
SUMMARY JUDGMENT MOTION  
PENDING MEDIATION**

**NOTED FOR CONSIDERATION:**  
JANUARY 31, 2025

**I. STPULATED MOTION**

Plaintiff Kimberly Bottoms and Defendant Block, Inc. respectfully request that the Court stay consideration of all matters raised in Block's motion for summary judgment on Plaintiff's individual claims (Dkt. 40) to allow the parties to complete mediation before the Court takes Block's motion for summary judgment under consideration. This motion is based on the following:

1. The Court entered a scheduling order in this matter on August 2, 2024. Dkt. 27. The Court adopted a phased case schedule allowing for discovery into Plaintiff's individual claims and potentially dispositive motions as to those individual claims before broader discovery was to be initiated.

2. Block filed its motion for summary judgment as to Plaintiffs individual claims on October 23, 2024. Dkt. 40. On November 1, 2024, the Court certified to the Attorney General of Washington that a statute had been challenged and stayed consideration of Block's motion for sixty days to allow the Attorney General time to move to intervene. Dkt. 43. The Attorney

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CONTINUE CONSIDERATION OF SUMMARY  
JUDGMENT MOTION  
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General has now intervened (Dkts. 50-51), Plaintiff and the Attorney General have filed their response briefs (Dkts. 57, 60), and Block has filed its reply (Dkt. 68). The motion is noted for consideration on January 28, 2025. Dkt. 53.

3. The parties have agreed to mediate with Jill R. Sperber of Judicate West. The parties agreed to mediate at the end of January or early February, but given the parties' and the mediator's availability, the in-person mediation is scheduled to take place on March 18, 2025.

4. The parties agree that mediation will have the greatest chance for success if it takes place under the status quo—that is, without a ruling on Block's motion for summary judgment as to Plaintiff's individual claims and while the motion for summary judgment is still pending. The parties further agree that uncertainty regarding the outcome of the motion for summary judgment will create the best opportunity for the parties to settle now, rather than at a different stage in the case. Having the motion fully briefed will also allow the parties and mediator to better assess the evidence and the strength of their respective positions.

5. The parties therefore jointly request that the Court defer consideration of Block's motion for summary judgment until after the parties mediate on March 18, 2025. By informing the Court of the upcoming mediation and proposing to postpone the Court's consideration of Block's motion for a short time, the parties also seek to preserve the Court's resources in the event the parties determine to settle the case.

6. The parties respectfully propose the following schedule:

EVENT	CURRENT DATE	PROPOSED DATE
Private mediation with Jill Sperber	N/A	March 18, 2025
Consideration date for Defendant's motion for summary judgment regarding named plaintiff	January 28, 2025	March 28, 2025

7. The parties will also be filing a request for the Court to extend other case deadlines and the trial date. The parties are filing their request pursuant to the expedited

1 procedure described in Local Civil Rule 37(a)(2)(I) because they have not been able to agree to a  
2 proposed schedule for resolving the case if Block's summary judgment motion is denied.

3 DATED this 31st day of February, 2025.

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**[PROPOSED] ORDER**

The Court GRANTS the Parties' Stipulated Motion to Continue Consideration of Summary Judgment Motion Pending Mediation. Accordingly, the Court ORDERS the Clerk to renote Defendant's Motion for Summary Judgment on Plaintiff's Individual Claims, Dkt. 40, to March 28, 2025.

IT IS SO ORDERED.

DATED this 7th day of February, 2025.



MARSHA J. PECHMAN  
UNITED STATES DISTRICT JUDGE